

Cayuga Medical Center
Case 03-CA-185233

Confidential Witness Affidavit

I Cheryl P. Durkee, being first duly sworn upon my oath, state as follows:

I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.

I reside at 8 Tanbark Circle, Freeville, NY 13068.

My cell phone number (including area code) is 607-379-0026.

My e-mail address is cdurkee@twcny.rr.com.

I am employed by Cayuga Medical Center,
located at 101 Dates Drive, Ithaca, NY 14850.

1. I started working in the Emergency Department at CMC in April 2010. I am also a charge nurse and have been since 2011. I have only worked in the Emergency Department in CMC. I have been a nurse for 30 years.
2. I only had one conversation with Andrea Champion where I told her of my union involvement. The context is as follows. We had a patient death in the waiting room of the Emergency Department in around January 18, 2017. The patient's death was caused by not enough staffing – which is one of the main reasons we are fighting for the union. We had too many patients in the emergency room for one nurse to take care of. The nurse that was triaging did not have adequate training. A few weeks after the death, I was out at the nurses' station listening to Tyler Burke, one of our team leaders, and Megan Hawkins,

Privacy Act Statement

The NLRB is asking you for the information on this form on the authority of the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the NLRB in processing representation and/or unfair labor practice cases and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). Additional information about these uses is available at the NLRB website, www.nlrb.gov. Providing this information to the NLRB is voluntary. However, if you do not provide the information, the NLRB may refuse to continue processing an unfair labor practice or representation case, or may issue you a subpoena and seek enforcement of the subpoena in federal court.

the emergency department educator, discussing the triage orientation and the triage policy. I interrupted them and said that the nurse that was triaging that night was not trained. Megan said yes, she was trained because the policy says that she only needed to be trained by a qualified triage nurse, but that didn't mean she needed to be trained in the triage area. I said that was ridiculous, you know how that policy reads. You are supposed to be oriented in the area that you are going to be working. If you are triaging that means you should be oriented out in front where you are triaging. Megan said "no, that's not true. As long as you're being trained by a triage nurse you can be trained by triaging the ambulance in the back." I said, "no, that's not what triage is. Triage is deciding who needs to come back first if there are fifteen patients in the front." Megan said "let's take this back to Andrea's office." Andrea Champion is the director of the Emergency Department. When Megan and I were talking as we walked back to Andrea's office I said to Megan "you shouldn't even have travelers out in triage because they are not trained well enough. You should have your own people who have been here for years be in triage because it is your most important job in the emergency room." Megan just kept saying "let's go back to Andrea's office." I said to Megan, "you know why this is happening. You're taking it out on us because we are trying to form a union. So I'm charge on every night for three years and now since I'm pro-union I'm suddenly not. Half of your problem is you are letting your secretary, who has no medical background, do the daily schedule of what nurse goes where and she doesn't even know who is qualified to be in those spots." At this point we arrived in Andrea's office.

3. Andrea was in her office and Megan said "Cheryl has some concerns about triage and travelers doing triage." I said, "yeah I have problems with travelers doing triage. I used to

orient the new nurses in triage and I used to do triage all the time because I have a ton of experience in triage. Now suddenly you have travelers doing triage because I'm pro-union. Enough is enough. People are dying. You guys are just trying to take things out on us because we are pro-union now all I seem to be able to do is be a staff nurse. My skills never changed just because I became pro-union." Andrea said "I didn't even know you were pro-union, but that has nothing to do with it. You can be pro-union or against union. It doesn't matter to us." I was wearing my union button when she said she did not know I was pro-union. I said something to the effect that, "we're still desperately trying to get this union even though management thinks it's over with but it's not." I didn't say this to Andrea at the time, but what we are waiting for is Anne to get her job back, and then we will be able to ramp things up again.

4. I did not tell Andrea Champion that "in case you have not heard, I am not only a union supporter, but I am a union organizer." The only conversation I had with Andrea Champion where I told her I was pro-union was the one recounted above. I would certainly not have called myself an organizer. I don't use that term.
5. Since I started supporting the Union openly I have not been assigned to be charge nurse or to do triage as frequently as I used to before I openly supported the Union.
6. I also used to precept new nurses. However, I am no longer allowed to do this. For example, when Zach started in about early January 2017, I offered to precept him. He came back to me after talking to Andrea Champion and Megan Hawkins and told me they said I could not precept him because I had too much experience.
7. I have always been willing to table, but I will not do it by myself. Since Anne left no one is willing to table with me. There have been no instances of tabling since Anne and Loran

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were fired. The picture that has been shown to me as Exhibit C to Document 18, where I am shown to be tabling in the cafeteria, was taken toward the end of 2015. That was my first tabling ever. I was tabling with Michelle Meckley, she was the person who took the picture.

8. Since they were terminated, I've still posted some pro-union articles on my Facebook and wear a union button, but I haven't tabled and there are hardly any meetings anymore. The union movement has completely stalled. In fact, at least ten nurses have told me that they didn't even know that the union movement was still happening because of how much it has stalled.
9. We used to have union meetings once a week for a long time. We had anywhere between 6 and 20 people at the meetings before Anne and Loran's termination. After Anne and Loran got fired we have had only two meetings and there have only been as many as four of us in attendance. We advertised meetings on Facebook, but people would not necessarily click that they were "interested" or "went" on the page because they don't want to out themselves.
10. I used to hang pro-union flyers around the facility, but since Anne and Loran were fired I have not hung a single flyer ^{CPJ} ~~around the facility~~ around the facility.
11. There is a new nurse, Zach who started in the Emergency Room. He said "If Anne gets her job back I'm on board to table and go to meetings. I'm 100% with you, but only if Anne gets her job back. I am going to wait until Anne gets her job back."
12. Kelly Breslin is an ED nurse who is pro-union. After Anne got fired she said "I can't do anything with you guys because I cannot afford to get fired. I am a one income family right now." Her husband is in medical school.

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13. Jamie Arregelin is an ED nurse who is pro-union. She told me that she is refusing to come forward anymore because she is a one income family too. Her 32 year old husband just had a stroke and she is now a one income family. She used to attend meetings but now she refuses because she's too afraid that she'll get fired if she is too visibly supportive of the union.
14. I have had similar conversations to the ones I had with Zach, Kelly, and Jamie with several other nurses who are too afraid to openly support the union because of Anne and Loran's terminations.
15. I cannot get any of my coworkers to move or do anything with the union at this point because Anne was fired.
16. Since Anne and Loran got fired I am afraid I might also get fired for being too open about the union. I feel that they are waiting for me to make any sort of mistake or slip up so that they can fire me.
17. I in no way took over the reins since Anne and Loran were fired, I am too afraid to.
18. I have nothing further to add at this time.

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I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this Confidential Witness Affidavit consisting of 6 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.

Date: 3/10/17 Signature: 
Cheryl P. Durkee

Signed and sworn to before me in person on March 10, 2017.


JESSICA L. NOTO

Board Agent

National Labor Relations Board